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December 20

CONCORD, N.H.

Richard T. Smith, Director,  
Department of Probation

Dear Mr. Smith:

You have asked for advice as to how your department may properly furnish to the armed forces certain essential information in your files concerning neglected and delinquent children who seek to enlist in the military or naval service. R.L., c. 132, s. 19 provides that "Such records shall be withheld from indiscriminate public inspection but shall be open to inspection by the parent, guardian or other authorized representative of the person concerned and, in the discretion of the court, by other persons having a legitimate interest."

In my opinion, written consent of the parent or guardian of the child, authorizing you to submit the record to inspection by a representative of the armed forces, would constitute appropriate permission. If the child has no parent or guardian, or if the consent of the parent or guardian should be withheld, the permission of the court would certainly be sufficient in all cases. I question the advisability of your relying upon consent furnished only by the child himself.

Very truly yours,

Maurice M. Blodgett  
Deputy Attorney General

MMB:HP